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PATENT

ATTORNEY DOCKET NO.: DIVER1200-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jay M. Short Art Unit: 1652  
Application No.: 09/467,740 Examiner: Nashaat T. Nashed  
Filed: December 20, 1999  
Title: METHODS FOR IDENTIFYING A DESIRED ENZYMATIC ACTIVITY  
(As Amended)

Commissioner for Patents  
Washington, D.C. 20231

TERMINAL DISCLAIMER

Sir:

The undersigned, attorney of record for Petitioner, DIVERSA CORPORATION, with its place of business at 4955 Directors Place, San Diego, California 92121, formerly Industrial Biocatalysis, Inc., represents that Petitioner is the Assignee of 100 percent interest in parent Application Serial No. 08/503,606, filed July 18, 1995 now issued as U.S. Patent No. 6,004,788, entitled ENZYME KITS AND LIBRARIES, as evidenced by an Assignment to Industrial Biocatalysis, Inc. recorded on October 11, 1995 in the United States Patent and Trademark Office on Reel 7754, Frame 0008. The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

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CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>April 24, 2003</b> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
Carrie Casey Name of Person Mailing Paper	
Signature	April 24, 2003 Date

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Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, DIVERSA CORPORATION, disclaims the terminal part of any patent granted on the subject matter of the above-identified Application Serial No. 09/467,740, filed January 2, 2001, that would extend beyond the expiration date of U. S. Patent No. 6,168,919. Petitioner hereby agrees that any patent so granted on the above-identified application Serial No. 09/467,740 shall be enforceable only for and during such period that the legal title to the subject matter of said patent shall be the same as the legal title to U. S. Patent No. 6,168,919, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, DIVERSA CORPORATION, disclaims the terminal part of any patent granted on the subject matter of the above-identified Application Serial No. 09/467,740, filed January 2, 2001, that would extend beyond the expiration date of U. S. Patent No. 6, 528,249. Petitioner hereby agrees that any patent so granted on the above-identified application Serial No. 09/467,740 shall be enforceable only for and during such period that the legal title to the subject matter of said patent shall be the same as the legal title to U. S. Patent No. 6,528,249, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, DIVERSA CORPORATION, disclaims the terminal part of any patent granted on the subject matter of the above-identified Application Serial No. 09/467,740, filed January 2, 2001, that would extend beyond the expiration date of U.S. Patent Application Serial No. 09/753,752. Petitioner hereby agrees that any patent so granted on the above-identified application Serial No. 09/467,740 shall be enforceable only for and during such period that the legal title to the subject matter of said patent shall be the same as the legal title to any patent granted on U. S. Patent Application Serial

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No. 09/753,752, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

In addition, pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, DIVERSA CORPORATION, disclaims the terminal part of any patent granted on the subject matter the above-identified Application Serial No. 09/467,740, filed January 2, 2001, that would extend beyond the expiration date of any patent that may be granted on the subject matter of U.S. Application Serial No. 09/861,267. Petitioner hereby agrees that any patent so granted on the above-identified application No. Serial 09/467,740 shall be enforceable only for and during such period that the legal title to the subject matter of said patent shall be the same as the legal title to any patent that may be granted on U.S. Application Serial No. 09/861,267, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

In addition, pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, DIVERSA CORPORATION, disclaims the terminal part of any patent granted on the subject matter the above-identified Application Serial No. 09/467,740, filed January 2, 2001, that would extend beyond the expiration date of any patent that may be granted on the subject matter of U.S. Application Serial No. 09/875,412. Petitioner hereby agrees that any patent so granted on the above-identified application Serial No. 09/467,740 shall be enforceable only for and during such period that the legal title to the subject matter of said patent shall be the same as the legal title to any patent that may be granted on U.S. Application Serial No. 09/875,412, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

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The Commissioner is hereby authorized to charge any fees associated with filing this Terminal Disclaimer, or that may be required by this paper, or to credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of the sheet is enclosed.

Respectfully submitted,

Date: April 24, 2003



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**USPTO CUSTOMER NUMBER 28213**  
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